

**PROGRESS REPORT #14****Charlotte Temple Water Rights Project  
Water Right Licenses 5985 and 7180, Permits 18405 and ~~120598~~****October 11, 2006****INTRODUCTION**

This progress report has been prepared in accordance with the Memorandum of Understanding entered into for the subject project by Analytical Environmental Services (AES), the State Water Resources Control Board (State Water Board), Division of Water Rights (Division), and Charlotte Temple (Petitioner) on May 6, 2004.

***Task 1 – Project Initiation and Scoping***

AES has been advised that the preparation of a Water Availability Analysis is generally not required for petitions, based on a new directive from Division management. As discussed at the project initiation meeting, if the California Department of Fish and Game (DFG) does not need a site visit for the project, the Division will waive the site visit and AES will proceed with the preparation of the CEQA document. AES will coordinate with the scheduling of a site visit, if needed.

***Task 2 – Collect and Compile Existing Data***

Complete

***Task 3 – Describe Proposed Project***

Complete

***Task 4 – Initial Study***

Work on the Administrative Draft Initial Study has begun.

STATE OF CALIFORNIA  
WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 20598

Application 28948 of Swept Wing Motel, Inc. 0124

c/o Leonard Ryan, 1484 Scotch Avenue, SE, Salem, OR 97306

filed on December 5, 1986, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

<u>Unnamed Stream</u>	<u>Pope Creek thence</u>
<u></u>	<u>Putah Creek thence</u>
<u></u>	<u>Yolo Bypass</u>
<u></u>	<u></u>
<u></u>	<u></u>
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2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
NORTH 100 FEET AND WEST 2,400 FEET FROM SE CORNER OF SECTION 6	SW $\frac{1}{4}$ OF SE $\frac{1}{4}$	6	9N	5W	MD

County of Napa

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridian	Acre
RECREATION						
STOCKWATERING	LOWER RESERVOIR IN SW $\frac{1}{4}$ OF SE $\frac{1}{4}$	6	9N	5W	MD	
DOMESTIC						
IRRIGATION	SW $\frac{1}{4}$ OF SW $\frac{1}{4}$	5	9N	5W	MD	10
	SE $\frac{1}{4}$	6	9N	5W	MD	65
	NE $\frac{1}{4}$ OF NE $\frac{1}{4}$	7	9N	5W	MD	25
	NW $\frac{1}{4}$	8*	9N	5W	MD TOTAL	$\frac{100}{200}$

\* Fractional Section

The place of use is shown on map on file with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 33 acre-feet per annum to be collected from November 1 of each year to April 30 of the succeeding year. (0000005)

This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose. (000005I)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

7. Complete application of the water to the authorized use shall be made by December 31, 1996. (0000009)

8. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until a license is issued. (0000010)

9. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

10. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

11. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

12. Permittee shall install and maintain an outlet pipe of adequate capacity in the dam as near as practicable to the bottom of the natural stream channel in order that water entering the reservoir which is not authorized for appropriation under this permit can be released. (0050043)

13. Permittee shall install and properly maintain in each reservoir a staff gage, satisfactory to the State Water Resources Control Board, for the purpose of determining water levels in the reservoir.

Permittee shall record the staff gage readings on or about October 1 of each year. Such readings shall be supplied to the State Water Resources Control Board with the next progress report submitted to the Board by permittee.

The State Water Resources Control Board may require the release of water which cannot be verified as having been collected to storage prior to October 1 of each year.

Permittee shall allow a designated representative of Buttes Gas and Oil Company, and all successors in interest, reasonable access to each reservoir for the purpose of verifying staff gage readings and determining water levels in the reservoir. (0070047)  
(0100047)

14. Whenever the prior storage rights of Buttes Gas and Oil under Licenses 4464, 7830, 10881, and 11156 issued pursuant to Applications 13597, 15934, 20060, and 24045 are not satisfied by June 1 of any year, water collected to storage under this permit during the current collection season shall be immediately released at the maximum practicable rate to the extent necessary to satisfy said prior downstream storage rights. Permittee shall not be obligated to release water in the reservoir below the previous October 1 staff gage reading unless permittee has withdrawn water from the reservoir for consumptive purposes since October 1. (0000051)

15. For the protection of fish and wildlife, permittee will continuously bypass through the reservoir all streamflow from the unnamed stream when the streamflow in Pope Creek, as measured at the U.S.G.S. gauge on Pope Creek near Pope Valley California (#11453600) in cubic feet per second (cfs) is less than the following:

- (a) from November 1 through November 30; 18 cfs
- (b) from December 1 through December 31; 35 cfs
- (c) from January 1 through March 1; 50 cfs
- (d) from March 2 through March 31; 35 cfs
- (e) from April 1 through April 30; 18 cfs (0140060)

16. Permittee shall plant at least three five-gallon sized oak trees for every oak tree removed. Permittee shall irrigate and maintain said trees and replace deceased trees to achieve a survival rate of 75% five years after planting. Permittee shall plant the required trees within one year from the date of vineyard development. After completion of the planting program, photo documentation showing the planted trees shall be submitted to the Chief of the Division of Water Rights. (0400500)

17. No water shall be diverted under this permit until permittee has installed devices, satisfactory to the State Water Resources Control Board, which are capable of measuring the inflow to the reservoir and the water bypassed through the reservoir. Said measuring devices shall be properly maintained. (0060062)

18. Permittee is hereby put on notice that there may be years when water collected to storage under this permit will not be within the reservation of water established for the watershed upstream from Lake Berryessa in State Water Resources Control Board Decision 869. During such years, unless replacement water is provided on an exchange basis, permittee shall release water collected to storage under this permit during the preceding collection season at the maximum practical rate to flow into Lake Berryessa. (0220087)

12/28/92 asgd to: Algas Co.  
2/28/96 Asgd to: Charlotte Temple

**This permit is issued and permittee takes it subject to the following provisions of the Water Code:**

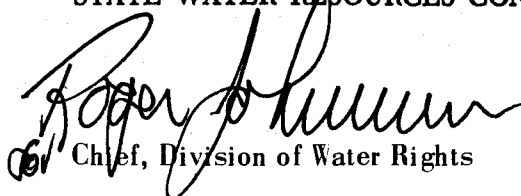
Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: MARCH 02 1992

STATE WATER RESOURCES CONTROL BOARD

  
Chief, Division of Water Rights